

"nected with Public Works, Immigration, and Surveys.

- "(a.) The provision of a sum of £15,000 to make good defects on the Eastern Railway.
- "(b.) The provision of a sum of £10,000 to increase the Immigration Fund during 1886.
- "(c.) The proposals made by Mr. Hordern and Mr. George Simpson for the construction of a Railway from Bunbury inland on the Land Grant system.
- "(d.) A proposal made by Mr. Neil McNeil for the continuation of the Jarrahdale Railway on the Land Grant system.
- "(e.) A proposal made by Messrs. Stone and Burt for the construction of a Railway on the Land Grant system from Esperance Bay to the Hampton Plains.
- "(f.) An application by the Postmaster General for a grant of £3,000 for the repoling of the Eucla telegraph line.
- "(g.) The provision of a further sum of £4,227 to complete the construction of the Roebourne Telegraph.
- "(h.) The decrease of £5,000 in the vote for Roads and Bridges for 1886.
- "(i.) The decrease of £5,000 in the vote for Surveys in 1886.
- "2. It appears to the Governor that much advantage would result if these questions could, in the first instance, be freely and fully discussed by Your Honorable House, and if the Governor could be made acquainted with the views of the Legislature upon each of them.
- "3. Should it, in connection with some of the above matters, be considered that any further charges can safely be thrown upon the Budget for 1886, now before the Council, it will require to be borne in mind that any such arrangement must remain in some degree inconclusive, for it must necessarily depend on the existence, at the close of the current year, of a balance larger than that which has been estimated by the Government. The present financial proposals for 1886 reduce the balance

"to an estimated sum of about £30,000, at which level, as the Council will probably agree, the disposable funds of the colony should be maintained.

"4. Papers in connection with some of the matters now referred have already been presented to Your Honorable House, and others will be laid on the Table.

"Government House, Perth, 8th September, 1885."

The consideration of His Excellency's Message was made an order of the day for September 11.

The House adjourned at a quarter to three o'clock, p.m.

## LEGISLATIVE COUNCIL,

*Wednesday, 9th September, 1885.*

Papers—Election Petitions Amendment Bill: first reading—Mr. Commerford's salary; also Tidewater's and Lightkeeper's salaries, Geraldton—Two Bridges over the Swan—Municipal Councils Titles Bill: third reading—Urban Tramways Bill: second reading; referred to a Select Committee—Municipal Institutions Act, 1876, Amendment Bill: in committee—Gun License Bill: in committee—Appropriation Bill (Supplementary), 1885: third reading—Adjournment.

THE SPEAKER took the Chair at seven o'clock, p.m.

PRAYERS.

## PAPERS.

THE COLONIAL SECRETARY (Hon. M. Fraser) laid upon the table the following papers:

1. Proposals by a Syndicate of Melbourne capitalists to construct a line of railway from Jarrahdale to Albany-Perth Road, on the Land Grant system.
2. Proposals by a Syndicate for the construction of a Railway on the Land Grant System between Esperance Bay and Hampton Plains.

3. Correspondence relating to certain additional expenditure which it is desirable to incur in sinking wells, etc., along the Roebourne Telegraph Line.
4. Correspondence between the West Australian Government and the Government of the Eastern Colonies, on the subject of Fortification of King George's Sound.

#### ELECTION PETITIONS AMENDMENT BILL.

Mr. PARKER obtained leave to introduce a Bill to amend the Act 39th Vict., No. 10, relating to Election Petitions and Corrupt Practices at Elections.

Bill read a first time.

#### SALARY OF MR. COMMERFORD AND OTHER GERALDTON OFFICIALS.

Mr. WITTENOOM moved, "That an 'humble address be presented to His Excellency the Governor, praying that he would be pleased to place a sum of £50 pounds on the Estimates, as an increase to the salary of Mr. Commerford, tide-waiter at Champion Bay; also £25 as an increase to the salary of the assistant tide-waiter; and £10 per annum to one of the lighthouse-keepers at Geraldton, making them both £90 each.'" The hon. member said he moved his resolution with some diffidence, seeing that their revenue was not quite so grand as they might wish. Mr. Commerford had held a very responsible position in the public service for many years, having entered the service in 1858, and he was an officer who had always given satisfaction. In addition to his duties as a tide-waiter, no less than £10,000 of public money having passed through his hands between July, 1884, and June, 1885. The assistant tide-waiter was also a very deserving officer, receiving a salary of only £85 a year. With regard to the lighthouse-keeper it would only be an act of simple justice to give him the same salary as the keeper in charge of a lighthouse of minor importance. He hoped that the fact of these officers not being stationed at head quarters would not be allowed to militate against their just claims being recognised by that House.

Mr. BURGESS, in seconding the motion, said he had known Mr. Commerford for the last 25 years, and he could speak of him as a most deserving and praiseworthy officer, and a man entitled to every consideration at the hands of the House. He also knew the assistant tide-waiter, whose pay was altogether too small, seeing that he devoted the whole of his time to Customs duties.

THE COLONIAL SECRETARY (Hon. M. Fraser) pointed out that the hon. member who had brought forward this address was a day behind the fair. The Estimates dealing with the departments to which all these officers belonged had already been passed, and he failed to see how they could consistently adopt this address, having already made provision for the salaries of these officers for next year. Hon. members who supported the adoption of the address would only stultify themselves; and it would be a most dangerous precedent to set if, after disposing of a department on the Estimates and voting what was considered to be necessary supplies for carrying on the department, hon. members were to be allowed to reopen the whole question.

Mr. S. H. PARKER said he took another objection to an address of this kind. He thought it was a very bad principle indeed for hon. members to advocate the claims of those of their constituents who happened to be in the public service. Except under very exceptional circumstances, he thought no hon. member should bring forward an address of this nature. He looked upon the pay of public servants as purely a governmental matter, which ought to be left in the hands of the Executive and of the heads of departments, who must be better acquainted with the relative claims of the officers in the public service than the members of that House could possibly be. Were the House to agree to the principle involved in this address, he should have no end of humble addresses to present, for among his constituents were a great number of public servants, and he had no hesitation in saying that the majority of them considered themselves underpaid. If the House was going to affirm this principle, he ventured to say that in the course of a few days he should be in a position to present a couple of hundred

of humble addresses from members of the civil service residing in Perth.

MR. CROWTHER said that as a matter of principle he also objected to members of that House singling out individual cases for an increase of salary, but, on the other hand, unless the representatives of country districts brought forward the special claims of men who within their own knowledge were entitled to better pay, the claims of these men would never be heard of at all, and a gross injustice might be perpetrated. A few years ago a Commission was appointed to revise the salaries of certain public officers, which he for one thought would have included such men as these; but the Commission did not see their way clear to deal with the claims of officers who like these merely managed to exist—they did not live, they only vegetated. The Commission only found time to deal with the claims of officers who were pretty well off, and who occupied a very fair position in the service.

MR. PARKER: They dealt with the whole Estimates.

MR. CROWTHER said they may have dealt with the whole Estimates, but in making their report they forgot all about the lower grades of the service. Mr. Commerford's claims were too well known to require any advocacy on his part. A man who had held a responsible position in the public service, like this man had, for a quarter of a century, with thousands of pounds of public money passing through his hands every year, ought to get more than £100 a year. As to the other man, he did not see much inducement for a Customs officer to exert himself very much when he found men working on the jetty receiving higher pay.

MR. STEERE said that the assistant tidewaiter in Albany got £10 a year less than the assistant at Geraldton, while the same officer at Bunbury received £45 less; therefore he did not think it was right to say that this man was badly paid at all, considering the salaries received by officers holding the same position at other outposts.

MR. WITTENOOM thought it was hardly fair on the part of the Colonial Secretary to twit at him with being a day behind the fair, for, when the Esti-

mates were under discussion, he rose in his place to move that an increase be granted to these officers, but he was immediately sat upon by the Colonial Secretary, who told him it was not within the province of any hon. member to increase any item. Had he moved in the matter before the Estimates were brought forward, he should then have been told to wait until the Estimates came on. As for what had fallen from the junior member for Perth, public officers in Perth required no one to look after their claims; they could urge them personally. If the Government were acquainted with the claims of these country officers, all he could say was they were dealing out very great injustice towards most deserving public servants in withholding some practical recognition of those claims. As to the assistant tide-waiters at Albany and Bunbury receiving less pay than the assistant tidewaiter at Geraldton, he did not suppose that a tithe of the stuff went into those harbors that went into Geraldton. If good and faithful services were to receive no recognition at all, the public service would soon deteriorate, and the public themselves would suffer in the long run.

Upon the motion being put a division was called for, the result being—

Ayes	...	...	7
Noes	...	...	15

Majority against	...	8
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#### AYES.

Mr. Brown  
Mr. Burges  
Mr. Crowther  
Mr. Grant  
Mr. Harper  
Mr. McKee  
Mr. Wittenoom (Teller.)

#### NOES.

Hon. A. P. Hensman  
Hon. J. Forrest  
Hon. J. A. Wright  
Mr. Brockman  
Mr. Burt  
Mr. Layman  
Mr. Lorton  
Mr. Maruion  
Mr. Parker  
Mr. Pearce  
Mr. Randell  
Mr. Shenton  
Mr. Steere  
Mr. Venn  
Hon. M. Fraser (Teller.)

The motion was therefore negatived.

#### BRIDGES OVER THE SWAN.

MR. BROCKMAN again moved, "That an humble address be presented to His Excellency the Governor, praying that he will be pleased to place upon the Estimates a sum of £500 for the construction of two bridges in the Swan District." The hon. member said that

since he brought this matter before the House some days ago, an officer of the Works Department had estimated the cost of the two bridges at £270 and £210 respectively, or £480 altogether; and he had simply put down £500 in order to make it round numbers. The vote for Roads and Bridges, he understood, was likely to be considerably reduced for next year, and they might expect that the Swan District would suffer from this diminution like the rest. With the amount received by the local Roads Board it would be utterly impossible for them to construct these bridges and at the same time keep the roads of the district in anything like repair. He hoped no further opposition would be offered to the motion; hon. members were aware that he postponed it the other day at the wish of the House, until the Estimates came on, and he trusted the House would now agree to it.

THE COLONIAL SECRETARY (Hon. M. Fraser) said as the question of increasing the vote for Roads and Bridges had already been brought under the consideration of the House by His Excellency in his message, and as the subject had not yet been dealt with, would it not be well that this matter should be further postponed until it was decided whether an extra £5,000 could be provided for Roads and Bridges. Should it be found that the vote could be increased by that amount, or anything like it, he did not see the utility of moving any more of these addresses, and, under the circumstances, perhaps the hon. member would withdraw his motion.

MR. BROCKMAN said he did not feel inclined to withdraw it, or he might find himself in the same position as the hon. member for Geraldton, "a day behind the fair."

MR. BROWN moved the adjournment of the debate, until the House had an opportunity of discussing His Excellency's message, as to increasing the vote for Roads and Bridges. He thought the hon. member would stand a much better chance of carrying his motion if he consented to that course than if he pressed it to a division now.

The adjournment of the debate was agreed to.

## MUNICIPAL COUNCILS TITLES BILL.

Read a third time and passed.

## URBAN TRAMWAYS BILL.

MR. S. H. PARKER, in moving the second reading of a bill to enable Municipal Councils to authorise the construction of tramways within the boundaries of their municipalities, said the bill had been brought forward in consequence of the action taken by some gentlemen in Perth, who proposed to lay down a tramway or tramways in this city. When the promoters came to inquire into the matter, the Municipal Council found that they had no statutory authority to interfere with the streets, or to give the necessary permission for laying down tramways. As it was too late for the company to bring in a private bill this session, it was deemed advisable, in their interests, to bring in a general bill, applying to all municipalities; and that was the object of the present bill, which gave any municipality power to authorise the construction and maintenance of tramways within their towns, to be worked in the streets, and in the streets only. No power was given under this bill to resume any land for the purposes of these tramways; nor did the bill purport to enter into particulars as to the terms and conditions upon which the tramways should be worked. It was merely an enabling bill, authorising the various municipal councils to impose such terms and conditions as they may deem advisable; so that the effect of the bill would be to empower these municipal bodies to sanction the construction and maintenance of tramways within the limit of their own towns. The municipal authorities would be in a position to make what terms they liked with the promoters of those tramways, as to the rates to be charged for carrying passengers, and the general regulation of traffic. Everything in fact was left in the hands of the municipal councils, to make such terms and conditions as to them may appear expedient. It was specially provided that these tramways shall be constructed in such a manner as not to cause any impediment to the ordinary street traffic, and that the public shall at all times be entitled to the free and uninterrupted use of every part of the streets which these tramways may

traverse. The company, however, would have power to make their own by-laws for the general management of their lines, and to impose certain penalties for a breach thereof; but these by-laws would have to be approved by the Governor before they became operative; so that, it would be seen, the public would be amply protected. He did not suppose any hon. member would contend for a moment that the laying down of street tramways would not be a work of great public utility, and a public convenience to the inhabitants; so that he need not labor that point. He thought himself, perhaps, it would have been better if a private bill had been introduced instead of a general bill; but, under the circumstances, it would have been impossible to have introduced a private bill this session,—the company had not been formed in time to enable it to give the necessary notice and to comply with the required formalities of a private bill. On the other hand, to put off the bill until next session would be virtually to postpone the project indefinitely. The promoters of the scheme were now here, on the spot, and he understood they were prepared to enter into the matter at once, and to lay down, work, and maintain these tramways. Unless they obtained the necessary powers to do so this session, he was afraid the matter would drop altogether; and we might not have such another opportunity for years to come.

THE COMMISSIONER OF RAILWAYS (Hon. J. A. Wright), without desiring in any way to offer any opposition to the motion for the second reading of the bill, thought it would be very much better if at this stage the bill could be referred to a select committee. The bill, in its present shape, was, in his opinion, very incomplete. There ought to be a general Tramways Act framed in the first instance, upon which all private bills should be based, in the same manner as was done in England and other countries. He objected altogether to give so much power to municipal councils without limit or restriction, as this bill contemplated; and he thought there should be in the first place a general Act, on the same principle as the Railways Act, under which, pending the passing of a private bill, a provisional order might

be made, authorising the construction of the proposed tramway.

MR. RANDELL said he would support the motion for the second reading, on the understanding that the bill would then be referred to a select committee, as suggested by the Engineer-in-Chief. He should be sorry to see the matter hung up for twelve months, for he thought the proposal had much to recommend it. He agreed with the Director of Public Works that it would be desirable to place some restriction upon the powers of municipal councils under the bill, and he thought that whatever regulations were framed should be subject to the approval of the Governor-in-Council. He thought the municipal authorities should be empowered to levy some rates upon these tramways, and that some provision should be made in the event of the company ceasing to work the tramways. The City Council, he might say, desired to the utmost of their ability to further the object in view; and in that desire he believed they were seconded by the citizens generally.

THE COLONIAL SECRETARY (Hon. M. Fraser) pointed out that if the House agreed to the second reading of the bill as it stood, they would be affirming the principle of the bill, which was that the entire control of these tramways should be in the hands of municipal councils. If, on the other hand, as was suggested by the hon. member Mr. Randell, they were to give the Governor-in-Council the supreme control, it appeared to him they would be departing from the fundamental principle of the bill. He thought himself that the better course to adopt would be to refer the bill in the first place to a select committee, purely with the design of perfecting the bill and of facilitating its passage through the House this session, in such a form as would render it more generally acceptable.

MR. BROWN said it struck him that the principle of the bill was the policy of constructing tramways,—not whether such tramways should be under the control of the municipalities, or under the supreme control of the Governor-in-Council. Whether the controlling power should be vested in the municipal councils or in the Government, or in both, was a question of detail, and it in no way affected the principle of the bill, which,

as he had already said, was simply a question of whether or not the construction and working of tramways within our towns would be a work of public utility. He agreed with those who thought that the approval of the Governor-in-Council should be obtained before any regulations controlling these tramways became operative; but he thought the municipal authorities would be the proper medium to act in that matter; and he did not see how this would in any way affect the principle of the bill. The proper course, it struck him, would be to read the bill a second time, and, instead of naming a day now for its consideration in committee of the whole House, to refer it to a select committee. He was authorised to state that that had been the intention of the hon. member in charge of the bill.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) thought there could be no doubt that every hon. member would favor, if possible, the construction of tramways, especially in a city like Perth, which seemed to have been intended by Nature for that mode of locomotion. No one who had ridden on tramways in England or elsewhere could fail to have been impressed with the immense superiority of that mode of traffic over the old system of jolting along in an omnibus. For himself, he hardly knew anything more delightful than to be outside a tramcar, on a fine summer's morning, with perhaps a cigar between one's lips, and an agreeable companion by one's side. Although this was the first company that had come forward seeking for powers to lay down tramways in Perth, he felt bound to say that this idea was not an original one, for, ever since he came here, he had been struck with the singular adaptability of the town, with its long and regular thoroughfares, for the adoption of a tramway system. At the same time, this was not such a simple subject as it might appear at first sight, for in these cases there were many interests involved; and, as the Director of Public Works had suggested, the English Act contained many details and provisions not to be found in the present bill. At the same time, they must not expect to find, in dealing with tramways in a colony like this, all the elaborate details and complications that present themselves in a

country like England, where there were interests at stake at every turning. There was one thing that required watching. The bill, he understood, was brought forward in the interest of, or at the instigation of, a private company; and that was always a matter that required careful watching by the Legislative Council. At the same time, it would be a pity if the opportunity were lost of having a general bill passed, if possible, this session. He presumed there were Tramways Acts in force in the other colonies, and possibly the hon. member in charge of the bill had framed it upon the lines of some of those Acts.

MR. PARKER: I may say that I did not draw the bill myself; I have been merely asked to introduce it.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said it would have been satisfactory to himself to have heard that the bill was based upon some Act already in force. The House, however, was evidently in favor of some legislation upon the subject; and without saying anything himself one way or the other on the point, it seemed to him the subject was well worthy of consideration; and, if the Council could pass an Act this session, it was undoubtedly desirable it should do so. At the same time, without wishing in the slightest degree to damp the ardour of hon. members, he felt bound to add that these matters were matters which it would be found required a great deal of consideration.

The motion for the second reading was then put and passed.

MR. PARKER thereupon moved that the bill be referred to a select committee, consisting of the Attorney General, the Director of Public Works, Mr. Randell, Mr. Marmion, Mr. Shenton, and the mover, with power to call for persons and papers.

Agreed to.

#### MUNICIPAL INSTITUTIONS ACT, 1876, AMENDMENT BILL.

On the order of the day for the consideration of this bill in committee,

MR. RANDELL said he understood it was the wish of some hon. members to refer the bill to a select committee. Personally he had no objection whatever to this course being adopted, though for

his own part he was quite prepared to deal with the bill in committee of the whole House.

MR. PEARSE moved that the order of the day be discharged, and that the bill be referred to a select committee, consisting of the Attorney General, Mr. Steere, Mr. Randell, Mr. Shenton, Mr. Wittenoom, and the mover.

MR. BURT asked whether the hon. member thought there was the slightest chance of this select committee being able to consider and report upon this bill in time for the House to enter upon its consideration this session? Several select committees were now sitting, and had yet to report, and there was no prospect of any committee being able to meet to consider this bill for some days to come. The bill had been on the paper for several weeks now, and its consideration had been adjourned from time to time; and, if any hon. member wanted it referred to a select committee, he might have done so a fortnight ago. He would suggest that they should go into committee on the bill at once.

MR. STEERE said he felt with the hon. member for the Williams that if this select committee were appointed there was very little chance of the bill becoming law this session. The committee would not be able to report until after the end of next week, and he believed there was a general determination on the part of country members that they would not remain there after next week, and that there would be no House to meet to discuss the bill.

The motion to refer the bill to a select committee was then put and negatived.

#### IN COMMITTEE.

Clause 1.—Short title:

Agreed to.

Clauses 2 and 3.—Extending the hours of polling at municipal elections, from 11 o'clock in the forenoon until 6 o'clock p.m.

MR. SHENTON suggested that the provision in the existing Act relating to proxy voting should be altered, reducing the distance when proxies may be used from twenty to eight miles, so as to enable people residing at Fremantle or Guildford to vote by proxy at an election taking place at Perth, and *vice versa*.

MR. RANDELL suggested that the

proposed alteration in the distance for proxies might be left until next session, when it was intended to consolidate all the existing Acts.

The clauses were then agreed to.

Clause 4.—“The Municipal Institutions Act, 1876,” section 99, is hereby amended by adding the following words:—

“13. The permanent paving and kerbing of footpaths, either with flagging, jarrah timber, slate, cement, or asphalte.

“14. Erection of lamp posts, lamps, and all necessary connections for lighting the city with gas.”

MR. SHENTON said there were other timbers besides jarrah suitable for paving purposes, and he did not see why jarrah should have the monopoly. He moved that the word “jarrah,” in the 7th line, be struck out.

This was agreed to, and the clause as amended put and passed.

Clause 5.—“If the day for any meeting or adjourned meeting by ‘The Municipal Institutions Act, 1876,’ or any Acts amending the same, required to be held for the retirement, nomination, swearing-in, or admission of any officer, or for the transaction of any other business of the corporation, or the last day for any act required to be done shall fall on a Sunday, Good Friday, Christmas Day, or Public Holiday, such meeting may be held or such act may be done on the day next ensuing, or within three days next thereafter: Provided that every person whose term of office would, according to the provision hereof, have expired on any such Sunday, Good Friday, Christmas Day, or Public Holiday, shall during the interval aforesaid continue in exercise of all the powers and duties of such office.”

MR. RANDELL said he understood from the Attorney General that the common law provided for this, but it seemed to him very desirable that they should have a clause of this kind in the Municipalities Act. Under the common law, he believed, any act requiring to be done on a day that happened to be a statutory holiday, might lawfully be done on the day next ensuing; but it would be observed that this clause, so far as municipal affairs were concerned, enabled them

to be done any day within three days after the date appointed by the Act, in the event of that date falling on a Sunday or any of the holidays mentioned.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said he should have preferred this point to have been left alone for the present. The bill was admittedly only a temporary makeshift, and there was no actual necessity for such a clause.

MR. LOTON moved that the clause be struck out.

Agreed to.

Clause 6—Compulsory fencing and clearing:

MR. SHENTON did not think there was any necessity for this clause. The 60th clause of the present Act gave ample power to municipalities to compel people to fence, and the powers now proposed to be given appeared to him very arbitrary. Under this clause the municipal council would be empowered to compel a man to fence or clear his property at a day's notice. The present Act required six months to elapse before the council could proceed to put up a fence, and charge the owner of the property with the cost of it.

MR. RANDELL said the clause introduced two new principles not to be found in the existing Act. One was, as the hon. member for Toodyay had pointed out, that no time was mentioned before the compulsory powers of the council could be enforced, leaving it to the council to fix the time in every case, according to circumstances. This, he thought, would be a very useful provision. At present, a man might pull down his fence, and leave it down for six months, before the council could take any action in the matter of making him put it up again. The other principle differing from that in the existing Act was this—that the council could exercise their compulsory powers as to fencing and clearing, in any part of the town. At present this could only be done where roads had been formed, and footpaths made; but it had been found very desirable that the council should, in some instances, have power to compel people to fence and clear, although no artificially made road had been formed in front of their property.

MR. PEARSE hoped the clause would be allowed to pass. He thought it would do a vast amount of good, and he found a very useful clause in Fremantle.

MR. BURT, too, expressed himself in favor of the clause. The present Act did not work well at all.

MR. SHENTON said that was not the fault of the Act. Ample powers, he contended, for all present requirements, were given in the existing Act; and, to extend this clause to the outlying portions of the town, would work much hardship. He moved that the clause be struck out.

The motion was agreed to, and the clause expunged.

Clause 7—a corollary of the previous clause—was also struck out.

Clause 8.—Paving footways, and provision for recovery of moiety of cost from owners of property:

MR. SHENTON said this clause raised a rather fine point, and contained a very arbitrary provision. He submitted that the 34th clause of the Building Act provided all that was necessary as regards paving footpaths. Under this clause, if any person desired to have the footpath abutting upon his property paved, he could apply to the council to have it done; and the council was empowered to do the work, charging the owner of the property such portion of the cost of the work as they might consider fair and just. That was a very different thing from compelling a man to pay for a pavement whether he wanted it or not. Under this clause, the town council might decide to have all the streets in the town paved, and the owners of property would be called upon to pay half the cost. He moved that the clause be struck out.

MR. STEERE said he certainly should support the motion to strike out this clause. He thought it would be a most unfair thing to call upon the proprietor of any house to pay a moiety of the cost of paving the public path in front of his house. For whose benefit would these pavements be laid down? Not for the benefit or convenience of the owner of the house, but for the benefit and comfort of the public at large; and he thought it would be a very unfair thing indeed to make the owners of houses contribute one half the cost.



MR. RANDELL said he was not going to labor this question, seeing that the committee appeared to be against the clause. He had not altered his own mind on the subject at all; more especially so when he found that similar legislation was in force in almost every part of the world. The clause was word for word the same as the South Australian Act, and, in that colony, it was actually made retrospective.

MR. MARMION said he was inclined to agree with the hon. member for Toodyay, and that the clause in the Building Act would answer every purpose, for the present at any rate. There was a great distinction between a compulsory clause like this, and a clause which left it to the people to have the front of their houses paved when they liked. Seeing how heavily the ratepayers of Perth and Fremantle were taxed already, he thought it was rather premature to impose further charges upon them, and to make them pay for what they really did not want.

The motion to strike out the clause was agreed to.

Clauses 9 to 15 inclusive—dealing with crossing places, fixing levels of new streets, etc.—were also expunged.

Clause 16.—“The Council may manufacture or contract for the manufacture of gas for lighting the streets and public places of such municipality, and provide or contract for gasometers and all requisite apparatus and machinery, and appropriate, purchase, or rent any land which may be necessary for the establishment of such manufacture.”

MR. SHENTON submitted that the same powers as were conferred by this clause were already vested in the municipal council by the 7th clause of the 44th Vict. No. 11. That clause enacted that the council, by contract or otherwise, might cause the streets to be lighted with gas, and, in like manner, might provide lamps, gas pipes, and such other works and materials as might be necessary for that purpose. He therefore failed to see the necessity of this clause.

MR. RANDELL said clause 7 of the Act referred to was a portion of the South Australian Act, and the present clause completed the section in question, making it perfect. This would enable

the council to purchase gas works established by any company, and it also gave other additional powers to the municipality.

MR. SHENTON thought the proper time for doing this would be when the Acts were being consolidated. This amendment could hardly be said to be necessary at the present moment.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) thought that, except the power to manufacture gas, they had already given municipal councils all the powers contemplated by this clause, and he failed to see that much practical benefit was likely to arise out of it. At the same time it could do no harm.

The clause was then agreed to.

Clause 17—Power to break up soil of streets for gas pipes, posts, etc.:

MR. SHENTON thought this was a provision that ought to be embodied in a private bill, every company being dealt with on its merits. That was the course adopted in other places.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said it was a very different thing giving the council of a municipality these powers, but here they were asked to give similar statutory powers to any private company.

MR. RANDELL said the Perth Gas Company was doing all this at the present moment, whether legally or not he could not say. He believed they were doing it at their own risk, and it seemed to him very desirable that the council should be able to give the company permission to lay down their pipes. It would be better that there should be some authority for doing so, than that the company should be doing it on sufferance, and at their own risk. The clause was copied from the South Australian Act.

MR. BURT said the words at the end of the clause were wholly inapplicable to our circumstances.

MR. SHENTON moved that the clause be struck out.

Agreed to, and clause expunged.

Clause 18 was also struck out, as unnecessary.

Clause 19.—Public stands in streets for licensed vehicles:

MR. SHENTON said that the existing Act gave full power to the municipal authorities to regulate the street traffic.

MR. RANDELL said the clause was

one that was very much desired outside the City Council; he did not care two pence for it himself.

MR. LOTON thought it was a very necessary and a very useful clause, and he could see no possible objection to it.

The clause was then agreed to.

Clauses 20 and 21 were agreed to, without opposition.

Clause 22—Council may use previous year's rate books, instead of having to prepare a fresh assessment every year:

THE ATTORNEY GENERAL (Hon. A. P. Hensman): Why should it be necessary to have fresh books annually?

MR. RANDELL said it was done at present, and occasionally led to a great deal of unnecessary work. Circumstances might arise when it might be very desirable that municipal councils should be allowed to fall back upon the previous year's rate books. There might perhaps be no time to compile fresh returns, and, as the Attorney General had suggested, why should it be necessary to have fresh books made out when possibly they might only be a copy of the previous year's assessment.

The clause was agreed to.

Clause 23—"Any council, pending the collection of any rates or subsidies in aid of rates or grants which may be payable by the Government, may, for the purpose of carrying on or completing public works then in progress, obtain advances from any bank, by overdraft of the current account; but no such overdraft shall at any time under any circumstances exceed one-fourth of the prior year's income."

MR. STEERE thought there was no occasion for this clause at all. He was not aware of anything having occurred to throw any difficulty in the way of the City Council or any other council having an overdraft at the bank.

MR. RANDELL said the Fremantle Council was very much in favor of this clause. As a matter of fact, municipalities were constantly having overdrafts, but he questioned whether they had any legal right to do so. He need hardly point out that it was absolutely necessary that municipal bodies should be allowed to overdraw their current accounts, otherwise many works undertaken would be at a standstill. Considerable delays occurred sometimes on the collection of the

rates when due, and great inconvenience would result if the right of the council to overdraw its account were questioned. The present clause was introduced to remove all doubt on the subject, and at the same time to place some limit upon these overdrafts.

MR. LOTON said he intended to oppose the clause. If passed, it would simply give municipal councils power to anticipate their revenues for the coming year to the extent of one-fourth of their income; in other words, it would simply encourage them to go into debt and to mortgage next year's revenues. He thought it would be most inadvisable to give such a power to any council. He thought these councils should limit their liabilities to their income; and, as a ratepayer, he objected to giving the City Council statutory power to run into debt this year to the extent of one-fourth the value of next year's rates. He moved that the clause be struck out.

MR. RANDELL said contingencies might arise when it would be very desirable, and in the interests of the ratepayers themselves, that the council should be empowered to overdraw. The main drain, for instance, might fall in, necessitating an immediate expenditure of a large sum of money, and the council would be very awkwardly situated if it could not obtain an overdraft at the bank. He thought the council might be trusted not to take any undue advantage of the power which this clause would vest in it. A similar clause existed in the South Australian Act.

The question was then put—that the clause be struck out; and, a division being called for, the numbers were,

Ayes ... .. 3

Noes ... .. 14

Majority against ... 11

AYES.		NOES.	
Mr. Burgess		Hon. A. P. Hensman	
Mr. Steere		Hon. J. Forrest	
Mr. Loton (Teller.)		Hon. J. A. Wright	
		Mr. Brockman	
		Mr. Brown	
		Mr. Burt	
		Mr. Crowther	
		Mr. Harper	
		Mr. Marston	
		Mr. McRae	
		Mr. Parker	
		Mr. Pearce	
		Mr. Shenton	
		Mr. Randell (Teller.)	

The motion was therefore negatived, and the clause ordered to stand part of the bill.

Clause 24.—Special rate :

MR. RANDELL explained that municipal councils already had power to levy a special rate, at the commencement of the year, in the same way as a general rate; but circumstances might arise when it might be desirable to declare a further special rate for some special purpose, in the course of the year; and the present clause gave municipalities power to declare a special rate at any time with the consent of the ratepayers, legally obtained, for which ample provision was made in the bill.

MR. SHENTON said there was no necessity for this clause, as the existing Act gave full powers to municipalities to levy special rates. He therefore moved that the clause be struck out.

This was agreed to, and the clause was expunged, as were also clauses 25 and 26 relating to the same subject.

Clause 27.—“The one hundred and twenty-third section of the Municipalities Act, 1876, is hereby amended by adding the following words at the end of the section:—‘Provided, however, that the council of any municipality may re-appropriate any such surplus to the continuation of the works for which the loan was incurred or to other undertakings of permanent utility. But such re-appropriation shall not be made until the council has been specially convened for that purpose, nor until one month after such meeting, when the council shall be called to confirm such re-appropriation, during which time plans and specifications shall be laid upon the table for inspection by the ratepayers:’”

MR. S. H. PARKER thought the effect of this clause would be simply this. Under the principal Act (the Act of 1876), if a council borrowed money for any particular work, and, after the completion of that work, there should be an unexpended balance, the council was obliged to appropriate that balance for the purpose of the sinking fund, or in purchasing their own debentures. They could apply it to nothing else. But here it was proposed to expend the surplus upon any other public work of utility,

which appeared to him a very proper provision to make, especially as the re-appropriation of the money was surrounded by ample safeguards.

MR. SHENTON said he saw no provision made for ascertaining the views of the ratepayers, and obtaining their sanction to any proposed reappropriation.

MR. RANDELL said that was done advisedly. It was not considered necessary to go through the same formalities as in raising a loan, for, after all, these reappropriated balances were not likely to be very large.

The clause was then adopted.

Clause 28.—Power over buildings:

MR. SHENTON moved that this clause be struck out, as it was not required, similar provision being already made in the Building Act.

Motion agreed to, and clause struck out.

Clause 29.—Drains under footways and roof-droppings:

Agreed to.

Clause 30.—Income of corporation to be paid into the bank within forty-eight hours after receipt thereof:

MR. SHENTON said a similar provision was proposed when the existing Act was being passed, but it was then pointed out that, in country places, it would be impracticable to carry out such a provision. He thought the present system of dealing with municipal funds afforded every protection. He therefore moved that the clause be struck out.

Agreed to, and clause expunged; as was also Clause 31, as being unnecessary.

Clause 32.—No officer of Municipality to be sued individually, by reason of any act done by the council in its corporate capacity:

MR. SHENTON said he understood from the Attorney General the other day that this clause was unnecessary. As a matter of fact, no Mayor or councillor had ever been sued individually for any act of the council; nor were they ever likely to be so sued.

MR. RANDELL said the clause could do no harm, and it might relieve the anxiety of some people. There was an impression that councillors were individually liable for the acts of the council, though he was glad to hear from the Attorney General the other evening that such was not the case.

The clause was agreed to.

Clause 33—Municipal documents requiring authentication in courts of law:

THE ATTORNEY GENERAL (Hon. A. P. Hensman) considered this clause altogether unnecessary, and, if passed, it might conflict with the provision which required the corporate seal to be placed upon documents. Moreover it seemed to throw a doubt upon what had been done in the past with reference to these matters.

MR. RANDELL said he was not inclined to press it.

The clause upon being put was negatived.

Clauses 34, 35, and 36 were agreed to *sub silentio*.

MR. WITTENOOM then moved that the following New Clauses be added, to stand as Clauses 2 and 3:

"2. This Act shall apply to the Municipalities of Perth and Fremantle only, and shall have no force or effect in any other Municipality until the same shall be extended thereto, as hereinafter provided.

"3. The Governor in Council may upon the petition of the Council of any Municipality, by proclamation to be published in the *Government Gazette*, extend the provisions of this Act to such Municipality."

The hon. member said he had brought forward these clauses because no opportunity had been afforded any municipalities outside Perth and Fremantle to discuss the provisions of the bill, or of expressing any opinion with regard to it. Should there be no objection to it, the Governor was empowered to extend the provisions of the bill to other municipalities.

MR. RANDELL said that since the bill had gone through committee there was virtually nothing left in the bill that applied to any other municipality except Perth and Fremantle, except the alteration in the hours of polling.

Progress was then reported, and leave given to sit again another day.

#### GUN LICENSING BILL.

On the order of the day for the consideration of this bill in committee,

MR. MARMION said, before leaving the House, he wished to take this opportunity of moving as an amendment that

the House go into committee on the bill that day six months. He was utterly opposed to the principle of the bill. He had opposed it before on a former occasion, and the ground of his opposition was that in a country like this, where there were so few sources of recreation, it was undesirable to handicap those who found recreation in using a gun, by compelling them to pay a license for using it. It was said that it was necessary to introduce the bill because there were a number of naughty boys who went shooting tomtits, and destroying other game, thereby interfering with the legitimate sportsman. He did not know whether they were called upon to legislate in order to preserve game for the special amusement of certain classes. Many people perhaps only need their guns once or twice in the year, and why should such people be obliged to pay for a license. He thought it would be an injustice and a crying shame to pass such a bill. Let the object in view be attained by some other means. The bill would press very hard indeed upon many a poor man, and upon many of our young men, whom it would deprive of an innocent source of amusement, in order to gratify the desires of sportsmen who had plenty of time and money at their command. He had risen to enter his strongest possible protest against the bill. He hoped the good sense of the House would lead it yet to consign it to the limbo of parliamentary abortions.

MR. SHENTON said unless some steps were taken by way of legislation to put a stop to the present wholesale and indiscriminate slaughter of small birds about our towns there would soon be no wild birds at all to be seen. It was a common practice now for a lot of boys, armed with guns, to go out every Sunday, shooting at everything in the shape of a bird they came across, simply out of sheer wantonness; and it was with the view of preserving what few birds there were in the vicinity of our towns that such a bill as this was so much required. The bill would have his hearty support.

The House then went into committee on the bill.

Clause 1.—Short title:

Agreed to.

Clause 2.—"In this Act the term 'gun' includes a firearm of any descrip-

"tion, and an air-gun or any other kind of gun from which any shot, bullet, or other missile can be 'discharged:'. "

THE ATTORNEY GENERAL (Hon. A. P. Hensman): This would include a pop-gun, which would be rather hard upon our boys.

MR. BURT: If it would, I cannot help it. It is copied exactly from the English Act, word for word.

The clause was then agreed to.

Clause 3.—Use of gun without license prohibited:

MR. BURT said it would be seen that this prohibition only applied to municipalities, and places within so many miles of a municipality. He would suggest five miles.

MR. SHENTON thought that was too far, in country districts. Five miles beyond the limits of a municipality in the country would take a man right into the bush.

MR. BURT thought it would be a mistake to fix any shorter distance, or they would defeat the object of the bill.

The clause was then adopted.

Clause 4.—"No person under the age of years shall be entitled to obtain a license under this Act."

MR. BURT said that in the bill introduced in 1879 by the Government, the age was fixed at 18. He thought perhaps that was rather too high, and he would suggest that the blank be filled up by "sixteen."

This was agreed to, and the clause put and passed.

Clause 5.—Form and date of license, and amount of license fee:

MR. BURT thought that 10s. would be a fair price to charge for a license.

MR. WITTENOOM considered 10s. too much altogether, for the privilege of using a gun. He would suggest that the license be 5s.

This suggestion being adopted, the clause was agreed to.

Clause 6.—Register of licenses to be kept:

Agreed to, without comment.

Clause 7.—Penalty for using or carrying gun without a license:

MR. BROWN thought the penalty provided by this clause (£10) was too high. He should think £2 would be high enough, the same penalty as under the Dog Act.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) pointed out that the clause as worded would apply to the whole colony, whether within the limits of a municipality or without the limits of a municipality.

MR. WITTENOOM pointed out that a man living outside a municipality, bringing his gun into town for repair, or taking it out of town after it was repaired, would be liable to a penalty, unless he had a license, although he might reside outside the limits to which the bill applied. He would have the gun in his possession, although he was not going to use it.

MR. BURT moved that the following sub-section be added to the clause: "By any person residing beyond a radius of five miles outside the limits of a municipality, and carrying a gun for other purposes than the use thereof within such limits." That would meet the objection of the Attorney General and also the objection of the hon. member for Geraldton.

MR. BROWN, referring to the second sub-section, said he thought the occupiers of lands—vineyard proprietors for instance—should not only be permitted themselves to use guns on their own property but should also be allowed to give permission to others, his servants or sons, to do the same, for the purpose of destroying vermin. If the occupier himself could do so without a license, why should he not be allowed to authorise somebody else to do so, for him?

MR. BURT was afraid that the nuisance which they wanted to check would be perpetuated if they were to accept the suggestion of the hon. member for the Gascoyne. Guns would be handed from one larrikin to another, and, if questioned about it, the answer would be that he had been authorised by the landowner to use it. The owner of the property might even connive at this, and exculpate the offender by saying he had given him authority to use a gun on his estate.

MR. BROWN—referring to the first sub-section, which excluded military men and members of the volunteer or police force from the penalty for carrying a gun—asked how this would affect honorary members of the volunteer force, who

were in no way subject to military discipline.

MR. BURT said the probability was that these gentlemen would already have a license for their fowling-pieces. He could not go out practising rifle shooting unless he was the owner of a gun, and, being the owner of a gun, he would of course take out a license.

MR. CROWTHER thought the clause would never work in country places. Sandalwood men and shepherds always carried a gun, the former generally on their teams, and they could not be expected to throw their guns away on entering the limits of a municipality.

MR. LOTON said that the new subsection proposed by the hon. member for the Murray would be no protection to persons residing within the prescribed limits. A man who had a license might want to send his wife to the gunsmith, but if the messenger also was not licensed to carry a gun he would be liable to a penalty.

MR. BURT moved that progress be reported, and leave given to sit again.

Agreed to.

Progress reported.

#### APPROPRIATION BILL (SUPPLEMENTARY), 1885.

Read a third time and passed.

The House adjourned at a quarter to twelve o'clock, p.m.

### LEGISLATIVE COUNCIL,

Friday, 11th September, 1885.

Message (No. 24): Assenting to Appropriation Bill—Paper (Ostrich Farming)—Waddington Railway Scheme—Hamelin Commonage—Native Commission: Report of Select Committee (Message No. 20)—Reports of Debates—Public Works, Immigration, Surveys, Roads and Bridges (Message No. 23)—Municipal Institutions Act Amendment Bill: further considered in committee—Gun License Bill: further considered in committee—Adjournment.

THE SPEAKER took the Chair at seven o'clock, p.m.

PRAYERS.

#### MESSAGE (No. 24): ASSENTING TO APPROPRIATION BILL (SUPPLEMENTARY.)

MR. SPEAKER notified the receipt of the following Message from His Excellency the Governor:

"The Governor informs the Honorable the Legislative Council that he has this day assented, in Her Majesty's name, to the undermentioned Bill:—

"1. An Act to provide for the Payment of certain additional and unforeseen Expenses in the year One thousand eight hundred and eighty-five, over and above the Estimates for that year.

"Government House, Perth, 11th September, 1885."

#### OSTRICH FARMING: MR. MALCOLM'S APPLICATION.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) laid upon the table papers relating to an application from Mr. Malcolm, of South Australia, asking for a concession of land for ostrich farming, on certain conditions.

#### MR. WADDINGTON'S RAILWAY SCHEME: CORRESPONDENCE.

MR. STEERE, in accordance with notice, asked the Colonial Secretary to lay upon the table any correspondence that had taken place between Mr. Waddington and the Government, and between Mr. Waddington and the Crown Agents, with reference to the construction of a Land Grant Railway between Guildford and the Greenough, since the last Session of the Council.

THE COLONIAL SECRETARY (Hon. M. Fraser) promised to do so.

#### POSITION OF HAMELIN COMMONAGE.

MR. LAYMAN, without comment, moved the following resolution: "That in the opinion of this House it is deemed undesirable (as affecting the principle of security of tenure) that the Government should resume or alienate Pastoral lands, so as to dispossess tenants of the Crown, where such a course can be avoided; and holding in view the above, this Council is also of opinion, That the Commonage Reserve granted to the bullock drivers at the Hamelin is not required in its present